

Congressman Christopher Smith Statement for Hearing on “The Northern Ireland Peace Process: Policing Advances and Remaining Challenges”

March 15, 2006

The Subcommittee will come to order, and good afternoon to everyone.

This hearing will help the U.S. Congress and American people better understand the current issues in the always complex situation in Northern Ireland and help guide our efforts as we continue to seek to assist in the realization of a durable peace and the guarantee of fundamental human rights in Northern Ireland.

The establishment of peace, justice and prosperity in Northern Ireland, which we have all hoped, worked and prayed for, is still not a reality. There are many encouraging signs, but also disturbing ones, and we are still not there yet. Today’s hearing is my eleventh hearing on Northern Ireland in not quite nine years, and we shall continue to follow the events on Northern Ireland closely and encourage reform for as long as necessary.

One of the most encouraging developments is, of course, the IRA’s renunciation of armed struggle, and the decommissioning of its weapons—a remarkable step in the path to peace. The IRA must follow through on its proclamations, and cease all criminal activities as well. The most disturbing factor, however, is the alienation of the Unionist community. The large majority of decent people on the Unionist side, who hope for peace as ardently as nationalists, are skeptical of IRA promises. They are also terrorized by their own paramilitaries. Those paramilitaries need to follow the IRA example, and disarm,

and cease their criminal activities. They are right now one of the greatest dangers to peace and stability.

The Government of the United Kingdom has begun all party negotiations to restore the Northern Ireland Assembly and the power sharing executive. It is also preparing legislation to devolve the administration of justice and policing to a restored Northern Irish executive.

Mitchell Reiss, President Bush's Special Envoy the Northern Ireland Peace Process will brief us on the current prospects and challenges facing the restoration of self-government in Northern Ireland.

There has been some progress in the continuing reform of Northern Ireland's police force. Nearly seven years ago I chaired a hearing on policing in Northern Ireland. Chris Patten, who had just released the famous report that bears his name, testified before us. Now we shall have a chance to hear about the progress that has been made in implementing the 175 recommendations made by the Patten Report.

There is a new police force, the Policing Service of Northern Ireland (PSNI); there is a vigorous and fiercely independent Police Ombudsman's Office, whose chief, Nuala O'Loane, has been a catalyst for reform. The Police Ombudsman's office has been recognized as an effective mechanism for holding the police in Northern Ireland accountable and helping people develop some confidence in a policing service that has faced credible charges of collusion in crime and assassination. In fact a poll conducted in March of last year showed that public confidence in the Ombudsman's objectivity was high with 78% of respondents saying they were confident that complaints were dealt with impartiality.

There is now a Policing Board in Northern Ireland, composed of independent and party representatives to designed to provide civilian control, and fair, nonsectarian policing. There are district police partnerships, to guarantee that both police and the communities they guard understand that the role of the police is to protect the community, not to impose some form of political control.

The Patten Commission also envisioned a police force more representative of the whole community. Although Northern Ireland is nearly 45% Catholic, the old police force, the Royal Ulster Constabulary (RUC), was over 90% Protestant, and often seemed to function more as an auxiliary to loyalist paramilitaries than the upholder of law and order. Today, recruits to PSNI are supposed to be 50% Catholic, so that in time the police will hopefully be representative of the people they are supposed to protect. Now only 20% of the police force is Catholic. It's an improvement, but only a start. In the disturbing riots last fall and summer by unionists, the police vigorously enforced the law instead of standing aside as they often did before. This again is a hopeful sign.

But questions remain about "bad apples" who may still remain somewhere in the ranks of Northern Ireland's police and about Special Branch members. I hope we will hear today what has been done to purge such elements.

The U.S. Congress has long understood the importance of supporting police reform and community reconciliation in Northern Ireland. As the author of the Foreign Relations Authorization Act for FY 2000-2001 (HR 3427; Public Law 106-113), I have been particularly interested in training and or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement

agencies for the RUC, now PSNI. In fact it was my legislation that suspended all FBI-RUC training until 2001, when President Bush certified that the human rights and vetting standards established by my legislation were implemented in the program.

In this year's State Department Authorization Bill, which I sponsored and which passed the House overwhelmingly (351 – 78), I included funds to provide specialized investigative training for personnel in the office of the Police Ombudsman to ensure that policing in Northern Ireland is carried out in compliance with internationally recognized human rights standards.

We also amended the authorization for the International Fund for Ireland (IFI) to provide up to \$7 million for programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development. We hope the Senate will act soon on this important legislation. The Foreign Operations Appropriations Bill (now Public Law 109-102) specifically allows the IFI to use the U.S. contribution to be used for training police to promote human rights and rule of law, and to foster improved relations between police and the communities they serve.

But one remaining area of great concern are the more than 3,000 unsolved murders between 1969 and the signing of the Good Friday agreement in 1998. Punishment of the guilty in many cases may not be possible, because of previous

amnesties which have been granted to promote peace in NI. But true peace and true democracy, cannot be founded on lies and cover-ups. An integral part of police reform is investigation of police and government collusion in past criminal acts. Only the truth can guarantee that Northern Ireland's new police force is established on a sound basis of respect for law and justice, something the previous force, the RUC could never claim. Only the truth can guarantee that the people of Northern Ireland accept their police as legitimate.

The government has recently instituted the Historical Enquiries Team to investigate and resolve these cases. This has the potential—if operated with transparency and openness—to be a critical, helpful step. Time will tell.

Meanwhile, there are several cases which require special attention. The British and Irish governments in 2001 jointly appointed Judge Peter Cory, a pre-eminent retired justice of the Supreme Court of Canada to determine whether independent commissions should investigate possible state sponsored collusion in six notorious and horrific murders. They also pledged to abide by his recommendations. Two years ago Judge Cory issued his report, and called for five of the six murders to be investigated independently.

Yet the British government has still not appointed an inquiry commission into the murder of the human rights attorney Patrick Finucane, who was gunned down in his home, in front of his wife and three small children, in 1989. Every one of the past ten hearings I have chaired on human rights and police reform in Northern Ireland has dealt with Patrick Finucane's murder. Yet still nothing has been done. The government of the UK must find a way to institute a credible inquiry which will be accepted by all, especially the Finucane family.

The British government has finally begun its inquiry commission, as demanded by Judge Cory, into police misconduct in the murder of Rosemary Nelson, another heroic human rights lawyer, and mother of three, who fell victim to a car bomb in March 1999. Rosemary, six months earlier had testified before my Committee about the harassment, intimidation and threats made against her by the RUC. No one has ever been charged in her murder. That inquiry was finally begun on April 19, but has made little progress so far, and serious questions remain as to whether the investigation is being conducted properly.

If the population of Northern Ireland is to cease relying on paramilitaries for protection, and transfer its trust to the police, it must have confidence that the police and the authorities deserve trust. These inquiries need to be done, and done well, as soon as possible.

Finally, although political reform and police reform are absolute pre-conditions for all progress, only economic development can finally end the terrible poverty, among both Catholics and Protestants, nationalists and unionists, which helps breed the violence. Fully employed, prosperous and prospering people, who can see tomorrow as better than today, rarely attack their neighbors. The Catholic and nationalist community, although worried, looks on the fulfillment of the Good Friday agreements with great hope. Too many in the unionist community, unfortunately, have been exploited by extremists to look upon all gains by Catholics as setbacks for themselves, that all jobs that Catholics get, as jobs that they lose. Only economic development can provide the jobs, the housing, the public services that all the people of Northern Ireland, in both communities, need for a better life.

We have continued our support (13.5 million in 2006) for the International Fund for Ireland for both 2006 and 2007, not only to promote police reform, as I mentioned above, but also to promote economic development which is critical to achieving a just and lasting peace. Now that we are near to success, this is no time to falter in our efforts. The IFI has played a vital role in economic progress in NI. The US has contributed over half of the total fund, about \$400 million in the past twenty years. And it has helped. In the 1990's Northern Ireland's unemployment fell by 40%. The Fund has created nearly 38,000 jobs. But the IFI does not only fund material progress, and its greatest achievements are not material: it has also developed a series of community building programs, promoting greater dialogue and understanding between Catholic and Protestant, including leadership programs designed to develop a new generation of leaders in NI to bring about a more peaceful and prosperous future in the region. Young people are the key to the future everywhere, but in NI they are absolutely crucial to breaking the cycle of discrimination and sectarian violence once and for all. For this reason our authorization bill continues support for "Project Children," to bring together Catholic and Protestant participants from the Republic of Ireland, the United Kingdom, and the United States, to help build peace in Northern Ireland through its children and young people.

We now turn to our first witness